


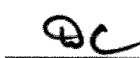
PLANNING BOARD RESOLUTION 2011-036

A RESOLUTION OF THE KEY WEST PLANNING BOARD DENYING AFTER-THE-FACT VARIANCES TO BUILDING COVERAGE, IMPERVIOUS SURFACE RATIO, SIDE, AND REAR YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 908 TRINITY DRIVE #4 (RE#00065570-001010), PURSUANT TO SECTION 122-238 (4) a. AND b.(1) AND (6) a. 2. AND 3. UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-238 (4) a. and b.(1) and 122-238(6) a. 2. and 3. of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 35%, maximum impervious surface ratio is 50%, and building setbacks in the SF zoning district are 25 feet in the rear and five feet on each side; and

WHEREAS, the applicant requested variances to building coverage, impervious surface ratio, rear and side yard setbacks to allow after the fact approval to a non-conforming, accessory residential structure; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 21, 2011; and

 Vice Chairman
 Planning Director



WHEREAS, the Planning Board finds that special conditions and circumstances do not exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will will confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the granting of the variances will not be in harmony with the general intent and purpose of the land development regulations and that such variances will be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

 Vice Chairman
 Planning Director



WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That after the fact variances for a non-conforming accessory residential structure for building coverage, impervious surface ratio, rear and side yards setback requirements, for a property in the Single Family Residential (SF) zoning district for property located at 908 Trinity Drive #4 (RE # 00065570-001010), per Sections 122-238 (4) a. and b.(1) and 122-238(6) 2. and 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, are **denied**.

 Vice Chairman
 Planning Director

Section 3. This Resolution shall go into effect immediately.

Section 4. This resolution is subject to an appeal period as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). And the decision of the Planning Board shall be final unless the decision is appealed to the county Circuit Court within ten days upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of July, 2011.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director.




Timothy W. Root, Vice Chairman
Key West Planning Board

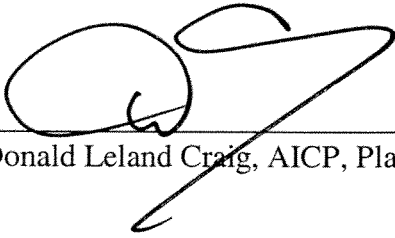
7/27/11

Date

Attest:

 Vice Chairman

 Planning Director

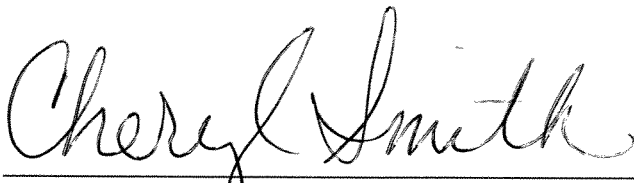


Donald Leland Craig, AICP, Planning Director

7-25-11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

8-2-11

Date



Vice Chairman



Planning Director